

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEREK MILLS,

Plaintiff,

v.

Case No. 19-CV-1870

TORRIA VANBUREN, et al.,

Defendants.

ORDER

Plaintiff Derek Mills is representing himself in this § 1983 case. On February 21, 2020, I screened Mills' amended complaint and allowed him to proceed on deliberate-indifference claims against the defendants. Four of the five defendants are State employees and represented by the Wisconsin Department of Justice. They responded to Mills' amended complaint on April 21, 2020. The fifth defendant, Emmanuel Metayer, is not a State employee and is represented by separate counsel. Metayer has not yet been served with the amended complaint. On June 11, 2020, Metayer's attorney filed a letter explaining that Metayer has asked that he be served directly. Court staff recently confirmed that the Marshals are in the process of personally serving Metayer.

Mills has filed a request for entry of default against Metayer and a motion to hold Metayer in contempt. He asserts that his efforts to contact Metayer's attorney have been unsuccessful. As noted, Metayer has not yet been served, so he is currently

under no obligation to respond to Mills. Metayer's obligation to respond to Mills' amended complaint is outlined in Federal Rule of Civil Procedure 12. ("A defendant must serve an answer: within 21 days after being served with the summons and complaint"). I encourage Mills to be patient as the Marshals attempt to personally serve Metayer. As indicated in the scheduling order, I will adjust the deadlines for summary judgment and the filing of dispositive motions, if necessary, after Metayer responds to Mills' amended complaint.

IT IS THEREFORE ORDERED that Mills' request for default (ECF No. 35) and his motion for contempt (ECF No. 46) are **DENIED**.

Dated in Milwaukee, Wisconsin, this 18th day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Nancy Joseph", written in a cursive style.

NANCY JOSEPH
United States Magistrate Judge